



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

August 11, 2008

Received & Inspected

AUG 18 2008

FCC Mail Room

Ms. Marlene Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: *Verizon Telephone Companies v. Federal Communications Commission  
and the United States of America*, United States Court of Appeals,  
District of Columbia, Docket No. 08-1012

In the Matter of Verizon's Petitions for Forbearance  
In the Boston, New York, Philadelphia, Pittsburgh,  
Providence, and Virginia Beach Metropolitan  
Statistical Areas,  
WC Docket No. 06-172

In the Matters of Quest Corporation for Forbearance Pursuant to  
47 U.S.C. § 160(c) in the Omaha Metropolitan Statistical Area,  
WC Docket No. 04-223

Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the  
Communications Act of 1934, as amended, for Forbearance from  
Sections 251(c)(3) and 252(d)(1) in the Anchorage Study Area  
WC Docket No. 05-285

Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the  
Communications Act of 1934, as amended (47 U.S.C. § 160(c)),  
For Forbearance from Certain Dominant Carrier Regulations of Its  
Interstate Access Services, and for Forbearance from Title II Regulation  
Of its Broadband Services, in the Anchorage, Alaska, Incumbent Local  
Exchange Carrier Study Area  
WC Docket No. 06-109

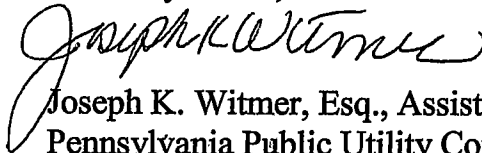
Dear Ms. Dortch:

I enclose the Ex Parte Filing of the Pennsylvania Public Utility Commission (PaPUC) formally submitting for the record in these proceedings a copy of the executed Confidentiality Agreements executed on August 8, 2008. The Confidentiality Agreements comply with the confidentiality requirements set forth in a pending appeal in the United States Court of Appeals for the District of Columbia at Docket No. 08-1012 (the Forbearance Appeal) to which the Pennsylvania Public Utility Commission is an Intervener in Support of Respondent FCC.

The Forbearance Appeal challenges the FCC's prior decision at Docket No. WC 06-172. The Forbearance Appeal relies on confidentiality agreements and information also set out in FCC Docket Nos. 06-172 (to which the Pennsylvania Commission was a party) and WC Docket Nos. 04-223, 05-285, and 06-109.

This Ex Parte Filing was filed electronically with the FCC on August 8, 2008 and served by first class mail on the parties of record in the pending appeal on August 11, 2008.

Sincerely Yours, \



Joseph K. Witmer, Esq., Assistant Counsel  
Pennsylvania Public Utility Commission

Enclosure

cc: Best Copy & Printing (via E-Mail)  
FCC Parties of Record, USDC DC Civ. No. 08-1012  
State Interveners Joint Brief in Support of Respondents Parties of Record,  
USDC DC Civ. No. 08-1012

APPENDIX A - ATTACHMENT A  
WC DOCKET NO. 07-97

I have received a copy of the *Modified First Protective Order* in WC Docket No. 07-97. I have read the order and agree to comply with and be bound by the terms and conditions of the *Modified First Protective Order*. The signatory understands, in particular, that unauthorized disclosure, or the use of the information for competitive commercial or business purposes, will constitute a violation of the *Modified First Protective Order*.

SIGNATURE:

Joseph K. Witmer, Esq.

NAME PRINTED:

Joseph K. Witmer, Esq.

TITLE:

Assistant Counsel

ADDRESS:

P.O. Box 3265

Harrisburg, PA 17105-3265

REPRESENTING:

Pennsylvania Public Utility Commission

EMPLOYER:

Pennsylvania Public Utility Commission

DATE:

August 8, 2008

## APPENDIX B - ATTACHMENT A

## Acknowledgment of Confidentiality

WC Docket No. 07-97

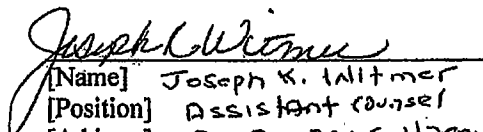
I hereby acknowledge that I have received and read a copy of the foregoing *Modified Second Protective Order* in the above-captioned proceeding, and I understand it. I agree that I am bound by the *Modified Second Protective Order* and that I shall not disclose or use Stamped Highly Confidential Documents or Highly Confidential Information except as allowed by this *Modified Second Protective Order*. I acknowledge that a violation of the *Modified Second Protective Order* is a violation of an order of the Federal Communications Commission.

Without limiting the foregoing, to the extent that I have any employment, affiliation or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or public interest organization), I acknowledge specifically that my access to any information obtained as a result of the *Modified Second Protective Order* is due solely to my capacity as Outside Counsel of Record or Outside Consultant to a party or other person described in paragraph 6 of the foregoing *Modified Second Protective Order* and that I will not use such information in any other capacity nor will I disclose such information except as specifically provided in the *Modified Second Protective Order*.

I acknowledge that it is my obligation to ensure that: (1) Stamped Highly Confidential Documents and Highly Confidential Information are used only as provided in the *Modified Second Protective Order*; and (2) Stamped Highly Confidential Documents are not duplicated except as specifically permitted by the terms of paragraphs 7, 10, 11, and 13 of the *Modified Second Protective Order*, and I certify that I have verified that there are in place procedures at my firm or office to prevent unauthorized disclosure of Stamped Highly Confidential Documents or Highly Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the *Modified Second Protective Order*.

Executed at Harrisburg, PA this 24 day of August 2008.

  
[Name] Joseph K. Witmer  
[Position] Assistant Counsel  
[Address] P.O. Box 3265, Harrisburg, PA 17105  
[Telephone] 717-787-3663  
[Email] jos.witmer@state.pa.us

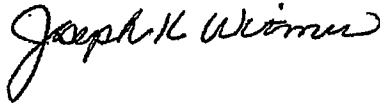
## ATTACHMENT TO APPENDIX A

## Acknowledgment of Confidentiality

WC DOCKET NO. 04-223

I have received a copy of the Modified Protective Order in WC Docket No. 04-223. I have read the order and agree to comply with and be bound by the terms and conditions of this Modified Protective Order. The signatory understands, in particular, that unauthorized disclosure, or the use of the information for competitive commercial or business purposes, will constitute a violation of this Modified Protective Order.

SIGNATURE:



NAME PRINTED: Joseph K. Witmer, Esq. PA Bar #74939

TITLE: Assistant Counsel

ADDRESS: Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

REPRESENTING: Pennsylvania Public Utility Commission

EMPLOYER: Pennsylvania Public Utility Commission

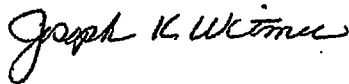
DATE: August 8, 2008

## ATTACHMENT TO APPENDIX B

WC DOCKET NO. 05-281

I have received a copy of the Modified Protective Order in WC Docket No. 05-281. I have read the order and agree to comply with and be bound by the terms and conditions of this Modified Protective Order. The signatory understands, in particular, that unauthorized disclosure, or the use of the information for competitive commercial or business purposes, will constitute a violation of this Modified Protective Order.

SIGNATURE:



NAME PRINTED: Joseph K. Witmer, Esq. PA BAR #74939

TITLE: Assistant Counsel

ADDRESS: Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

REPRESENTING: Pennsylvania Public Utility Commission

EMPLOYER: Pennsylvania Public Utility Commission

DATE: August 8, 2008

## ATTACHMENT TO APPENDIX C

WC DOCKET NO. 06-109

I have received a copy of the Modified Protective Order in WC Docket No. 06-109. I have read the order and agree to comply with and be bound by the terms and conditions of this Modified Protective Order. The signatory understands, in particular, that unauthorized disclosure, or the use of the information for competitive commercial or business purposes, will constitute a violation of this Modified Protective Order.

SIGNATURE:

*Joseph K. Witmer*

NAME PRINTED: Joseph K. Witmer, Esq. PA Bal #74939

TITLE: Assistant Counsel

ADDRESS: Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

REPRESENTING: Pennsylvania Public Utility Commission

EMPLOYER: Pennsylvania Public Utility Commission

DATE: 8 August 2008

## APPENDIX A

## Acknowledgment of Confidentiality

WC Docket No. 06-172

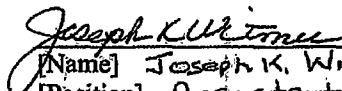
I hereby acknowledge that I have received and read a copy of the foregoing Second Protective Order in the above-captioned proceeding, and I understand it. I agree that I am bound by the Second Protective Order and that I shall not disclose or use Stamped Highly Confidential Documents or Highly Confidential Information except as allowed by this Second Protective Order. I acknowledge that a violation of the Second Protective Order is a violation of an order of the Federal Communications Commission.

Without limiting the foregoing, to the extent that I have any employment, affiliation or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or public interest organization), I acknowledge specifically that my access to any information obtained as a result of the Second Protective Order is due solely to my capacity as Outside Counsel of Record or Outside Consultant to a party or other person described in paragraph 8 of the foregoing Second Protective Order and that I will not use such information in any other capacity nor will I disclose such information except as specifically provided in the Second Protective Order.

I acknowledge that it is my obligation to ensure that: (1) Stamped Highly Confidential Documents and Highly Confidential Information are used only as provided in the Second Protective Order; and (2) Stamped Highly Confidential Documents are not duplicated except as specifically permitted by the terms of paragraphs 9, 12, 13 and 15 of the Second Protective Order, and I certify that I have verified that there are in place procedures at my firm or office to prevent unauthorized disclosure of Stamped Highly Confidential Documents or Highly Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Second Protective Order.

Executed at Harrisburg, PA this 8th day of August, 2008

  
[Name] Joseph K. Witmer, Esq. PA BAR #74939  
[Position] Assistant Counsel  
[Employer] Pennsylvania Public Utility Commission  
[Representing] Pennsylvania Public Utility Commission  
[Address] P.O. Box 3265, Harrisburg, PA 17105-3265  
[Telephone] 717-787-3663  
[Email] joswitmer@state.pa.us

## ATTACHMENT A

WC DOCKET NO. 06-172

I have received a copy of the Protective Order in WC Docket No. 06-172. I have read the order and agree to comply with and be bound by the terms and conditions of this Protective Order. The signatory understands, in particular, that unauthorized disclosure, or the use of the information for competitive commercial or business purposes, will constitute a violation of this Protective Order.

SIGNATURE: *Joseph K. Witmer, Esq.*

NAME PRINTED: Joseph K. Witmer, PA Bar #74939

TITLE: Assistant Counsel

ADDRESS: Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

REPRESENTING: Pennsylvania Public Utility Commission

EMPLOYER: Pennsylvania Public Utility Commission

DATE: August 8, 2008

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of Verizon's Petitions for Forbearance	)	
In the Boston, New York, Philadelphia, Pittsburgh,	)	
Providence, and Virginia Beach Metropolitan	)	WC Docket No. 06-172
Statistical Areas	)	

In the Matters of Quest Corporation for Forbearance	)	WC Docket No. 04-223
Pursuant to 47 U.S.C. § 160(c) in the	)	
Omaha Metropolitan Statistical Area,	)	

Petition of ACS of Anchorage, Inc. Pursuant to	)	
Section 10 of the Communications Act of 1934,	)	
as amended, for Forbearance from Sections 251(c)(3)	)	WC Docket No. 05-285
and 252(d)(1) in the Anchorage Study Area	)	

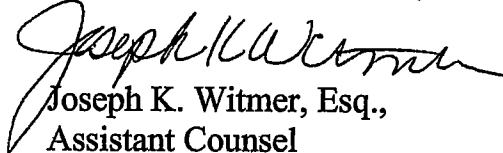
Petition of ACS of Anchorage, Inc. Pursuant to	)	
Section 10 of the Communications Act of 1934,	)	
as amended (47 U.S.C. § 160(c)), For Forbearance	)	
from Certain Dominant Carrier Regulations of Its	)	WC Docket No. 06-109
Interstate Access Services, and for Forbearance from	)	
Title II Regulation Of its Broadband Services,	)	
in the Anchorage, Alaska, Incumbent Local	)	
Exchange Carrier Study Area	)	

I hereby certify that I have this day served a true copy of the foregoing document, Ex Parte Notice of the filing of the Pennsylvania Public Utility Commission by first-class mail upon the parties of record identified in the pending appeal in the United States Court of Appeals for the District of Columbia, *Verizon Telephone*

Companies v. the Federal Communications Commission and the United States of America, Civ. No. 08-1012, and submitted this filing in these dockets.

Respectfully submitted,

Pennsylvania Public Utility Commission

A handwritten signature in black ink, appearing to read "Joseph K. Witmer".

Joseph K. Witmer, Esq.,

Assistant Counsel

Pennsylvania Public Utility Commission

P.O. Box 3265

Harrisburg, PA 17105-3265

(717) 787-3663

Email: [jowitmer@state.pa.us](mailto:jowitmer@state.pa.us)

Dated: August 11, 2008